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# National Municipal League-- Committee on Direct Primary. Model direct primary election system.

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# MODEL DIRECT PRIMARY ELECTION SYSTEM

Report of the Committee on Direct Primary

Prepared by

Joseph P. Harris, University of California

For the

NATIONAL MUNICIPAL LEAGUE
New York City

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# MODEL DIRECT PRIMARY ELECTION SYSTEM

Report of the National Municipal League's Committee on Direct Primary

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# A MODEL PRIMARY ELECTION SYSTEM

Report of the Committee on the Direct Primary of the
National Municipal League

1950

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## Acknowledgments

The experience of the states with direct primaries has not been comprehensively examined or appraised since Merriam and Overacker's book, "Primary Elections," published in 1928. Nor does this pamphlet reflect any orderly new field study of the realities of the experience in the years since then, no funds being available anywhere for travel and work in the great American experience with election mechanisms, party structure and voter behavior! Such field work in "democratics" is badly needed; lawmakers in our legislatures proceed with scanty knowledge of experience elsewhere.

There is, however, an extensive scatteration of good information and the National Municipal League is deeply indebted to Professor Joseph P. Harris for collecting it and developing the recommendations of this report which have survived circulation of a first draft to the best authorities, two meetings of eminent groups in November and December 1949 on a second version, and final acceptance after further discussion and correspondence in 1950 by the sponsoring committee and the executive committee of the League's Council.

Alfred Willoughby, Executive Secretary
National Municipal League

# MODEL PRIMARY ELECTION SYSTEM

## Summary

The need for reform of the diverse current methods of nominating candidates for state and congressional offices is widely recognized. The present direct primary systems have often produced disorderly scrambles for office by self-seekers and have not, as a rule, resulted in the nomination of qualified and civic-minded citizens who should be attracted to public life. They have not provided voters with effective choices between suitable candidates, which is essential if the democratic process is to have its true meaning. Unless good candidates are nominated, good candidates cannot be elected to public office. The reform of the primary system is needed to bring about healthy, vigorous party life, to provide more effective party leadership, to attract abler candidates to run for public office, and to enable the rank and file of voters to hold the party leadership to an effective responsibility.

This report deals primarily with nominations for state, legislative and congressional offices under a system of partisan elections. It is likewise available for partisan elections anywhere, but for local elections in cities, counties, school districts, and for local judges, nonpartisan primaries and elections are recommended as provided in the National Municipal League's "Model City Charter" and "Model County Manager Charter." The report does not cover the nomination of candidates for President and Vice President, which is regarded as a separate and distinct problem. It also does not deal with proportional representation, a method which obviates the necessity for any primary election.

## Recommendations

1. The principle of the short ballot should be adopted for all elections by taking off the elective list all offices except those of major importance which are responsible for the major policies of the government. All others offices shall be filled by appointment by responsible officers.

2. Political party organizations, acting through committees, or conferences, of responsible party officers, should be authorized by law to select and propose candidates for nomination by the party for public office and for election to party office, to be voted on at the direct primary election.

3. Candidates proposed by the organization committees or conferences and duly certified to the public officers in charge of printing the ballot should have their names printed on the primary ballot with a designation (by asterisk or otherwise) to indicate that they have been proposed by the party organization.

4. Any person should be permitted to become a candidate for the party nomination for any office, and to have his name printed on the ballot by fulfilling the legal requirements, ordinarily by filing a petition and by posting the required filing fee before or after the organization makes its proposals. The final date for such filings should be specified by law, and should be at least two weeks after the final date fixed for political party committees to file their lists of proposed candidates.

5. Individual candidates should be permitted to file for the nomination of only one party - that with which they are affiliated. Organization committees, however, should be permitted to propose candidates who are not members of the party, thus permitting candidates to receive the nomination of more than one party.

6. The use of the direct primary should be mandatory for political parties which polled 10 per cent or more of the vote cast at the preceding general election. Smaller parties should not be permitted to use the primary.

7. Provision should be made whereby small or new parties or independent candidates may qualify by petition and have the names of their candidates printed on the ballot at the final election.

8. It is deemed unwise to offer any positive recommendation as between the "open," "closed," and "blanket ballot" type of primary. The merits and objections to each type are summarized below. The system which is best suited for a particular state will depend in large part on the party traditions and history within the state.

9. The candidate of each party who polls the highest vote within the party shall receive the party nomination. In one-party states it may be advisable to provide for a second or "run-off" primary election between the two highest candidates in the cases where no candidate received a majority at the first primary.

10. If the Washington "blanket ballot" type of primary is used, it should be provided that any candidate who receives a majority of all votes cast in the primary shall be declared elected.

11. Primary elections should be held in the autumn within one to two months prior to the final election.

12. Compliance with the principle of the short ballot should be required on the internal structure of the party. Only a few outstanding party officers should be elective by the party members of each district and the form of the party organization should be kept simple and understandable by the voters.

## PART I. NOMINATING SYSTEMS: OBJECTIVES, TYPES

### Introduction

In 1925 the City Charter Committee of Cincinnati looked forward with confidence to the forthcoming election of the first council under the city manager charter which had been adopted the year before. The civic-minded citizens who had led the fight for the new charter assumed that the election of able, qualified citizens to the council would automatically follow and, at long last, good city government was just around the corner. When the candidates began to file for the council, however, the officers of the Charter Committee discovered that only the oppcnenets of the city charter, including members of the old and discredited city council had entered the race, and that few, if any, outstanding and patriotic citizens who supported the new charter had offered themselves. An executive meeting was hurriedly called and the decision reached to draft candidates to run for the council and to put a Charter Committee ticket in the field. The best men had to be asked, and asked by a respected responsible group. Only in this way could the charter victory be carried into effect.

The Charter Committee of Cincinnati recognized that the election of a well qualified city council was just as essential as the adoption of a sound city charter, and that able councilmen could not be elected unless they became candidates. Unless qualified candidates who were interested in good government could be persuaded to run, the model charter and an aroused citizen interest in city government would have little effect. A nominating committee was set up to draft candidates, but it soon discovered that it is difficult to get outstanding citizens to run for public office. Civic-minded persons who are successful in their own profession or business are usually tied up with the other obligations and unwilling to become candidates. Even though the committee was able to assure candidates that an active and dignified campaign would be conducted in their behalf, the committee had to approach more

than fifty citizens before it could fill up a slate of nine candidates.

The experience of Cincinnati is typical. Unless qualified candidates can be induced to come forward, the voice of the people in elections may be only a weak and uncertain choice among mediocrities or self-seekers.

One of the pleasant myths of American politics is that qualified, civic-minded citizens will voluntarily and spontaneously announce their own candidates and run for public office, at large expense to themselves, for the privilege of serving the public. The facts are usually quite to the contrary. Although a political career in elective office has many compensations, it also has many drawbacks. It rarely carries the prestige, the recognition, and the opportunity for unselfish devotion to public duty which would make it attractive to persons of first-rate ability. The time, expense, and unpleasant aspects of political campaigning will usually discourage all but the most stout-hearted. As a result, it is not surprising that in many election contests only candidates of limited qualifications enter - candidates whose standing in the community is such that even the uncertain distinction of public office has its appeal. Many undesirable candidates seek public office for private gain, and often have the backing of organized groups whose interests they are obliged to promote.

Consideration of the nominating process in the past has neglected the basic factors which induce persons to enter public life and stand for elective office.

A major defect in existing nominating systems, particulary for partisan elections, is that they do not encourage or facilitate the candidacy of outstanding citizens, but tend to have exactly the opposite effect. Unless suitable candidates run for public office, elections become meaningless and of little effect.

## Nominations and Political Parties

It is generally recognized that the party system needs to be strengthened and reformed to bring about greater party responsibility, healthier party life, greater unity, leadership and discipline within the party, and to increase the effectiveness of the party as an instrument of democracy. These objectives cannot be achieved without a reform of the nominating process. Able, effective and responsible party leadership cannot be achieved unless the recognized party leaders are permitted to lead in the selection of the candidates of the party, subject to feasible check by the rank and file of the party.

The actual control of process of nominations is often largely concealed. Formerly the party convention ostensibly exercised the choice, while the party boss and the ruling group who made the actual selections behind the scenes were not effectively responsible either to the conventions or to the voters. Under the direct primary system the real power behind the throne likewise is usually not readily apparent. While the voters ostensibly select the party candidates at the direct primary, in many areas the boss and the machine still hand-pick them, with about the same degree of control which their predecessors exercised under the convention system. One of the unexpected trends under the direct primary has been for the party organizations to put up slates at the direct primary, with or without frank sponsorship, and with general success against any insurgent or independent candidates. In many areas candidates on the organization slate are rarely opposed because persons who aspire to public office do not wish to incur the displeasure of the ruling group for fear of being blacklisted in the future. On the other hand, there are sections where the party organizations are unable to control the direct primary elections and do not put up slates - at least, not openly. Under this circumstance, the direct primary often becomes a free-for-all race between numerous candi-

dates, many of whom have little or no qualifications for the offices which they seek. Often, then, the results appear to be determined more by chance than by intelligent choice of the voters[1].

Some middle ground between these two extremes would appear to be desirable. Where a party organization controls the direct primary with an iron hand and its slates are uncontested, voters of the party should have practicable means whereby they may hold the party leaders responsible for the candidates whom they sponsor. Citizens who aspire to a public career in elective office should not be effectively debarred by inability to secure the nod of the party organization. On the other hand, where the party organization does not, and the direct primary becomes a free-for-all contest between self-announced candidates, the results are often confusing and unsatisfactory. With the long ballot, the voter often has little or no information upon which to make a choice between candidates and frequently there is little choice.

## The Need of Effective Primaries

Competition by the opposite party is an undependable corrective of poor nominations. In half of New York's 45 congressional districts and in half the states when voting for senator, nomination by a dominant party has for 20 years meant election.

## Objectives of a Sound Nominating System

1. The method of nomination should facilitate and encourage candidacies of qualified citizens. The major test of any nominating system is whether

[1]As an illustration of this fact, the results of the Republican primary in Wisconsin in 1948 may be cited. Although the Republican Party is dominant in the state, three of the five candidates nominated for state office were practically unknown and were nominated only because their names were similar to two other state officers who had long been prominent in the state. None of the three could boast of any public or business experience which qualified them for the high offices to which they were nominated, yet two were actually elected.

citizens of ability and standing, including younger persons, are attracted to public careers and become candidates for public office. The securing of suitable candidates should not be left to chance; it is necessary to provide means whereby they may be drafted to run and their candidacies responsibly sponsored in a recognized and dignified manner.

2. Campaigns for leading offices are expensive, particularly in large cities and populous states, and cannot be conducted without substantial financial support; nevertheless, candidates should not be required to spend large sums of money in campaigning for office, or to incur heavy obligation to others Public office should not be restricted to persons with large private means or those who are able to secure large financial support. The necessity of making some campaign expenditures up to reasonable limits may, however, serve the salutary purpose of restricting the contest to candidates with substantial public support.

3. The nominating system should provide voters with choices between qualified candidates who stand for distinct and different public policies. If elections are to be meaningful, voters must not only have a choice, but by their choices they should be able to determine the type of government which they desire.

4. The nominating system should promote healthy, effective and responsible political parties. In state and national governments, political parties are essential to the democratic process. A healthy party life can be achieved only if there is effective party leadership, but the leaders of each party must be truly responsible to the voters of the party.

5. The voter in the primary election, as well as in the general election should not be burdened with an impossible task. No nominating system will work satisfactorily when ten, twenty or thirty offices are simultaneously sub-

mitted to each voter. The short ballot, limited to a few important, policy-determining offices, is essential to the success of any nominating system, else the voter is being given a great array of opportunities to express an opinion when he has no opinion to express.

6. The way should be open for any qualified citizen who aspires to public office to become a candidate without the necessity of having to secure the approval or consent of any person or organization. The right of citizens to run for public office, however, is not an absolute right and is subject to the broader public interest. The purpose of elections is not to permit persons to run for office, but to enable the public to choose its officers. It is, accordingly, appropriate for the nominating system to include restrictions which will prevent frivolous candidacies and prevent the ballot from being cluttered up with the names of candidates with meager qualifications and little support.

## Principal Types of Nominating Systems

The major types of nominating systems employed in this country include: (1) the party nominating convention, (2) the direct primary, and (3) the nonpartisan primary.[2] In many small communities, municipal, school and judicial elections are conducted without a primary or party convention. The candidate who receives the highest vote or plurality for each office is declared elected. No primary is required under proportional representation or a system of preferential voting, which is one of the advantages of such systems

[2] The following texts on political parties and elections contain excellent accounts of nominating methods, including the history and operation of the party convention system, the direct primary, and nonpartisan primaries and elections: Hugh A. Bone, American Politics and the Party System, (New York, 1949); V. O. Key, Political Parties and Pressure Groups, (New York, 1947); David D. McKean, Party and Pressure Politics, (New York, 1949); Charles E. Merriam and Harold F. Gosnell, The American Party System, (New York, 1949); Peter H. Odegard and E. Allen Helms, American Politics, (New York, 1947); and Howard R. Penniman, American Parties and Elections, (New York, 1948).

Historically, the earliest method of nomination used was that of the informal, and often secret, caucus of a party or political group. Later the congressional caucus was used in the nomination of candidates for President and Vice President until 1824. Because of the widespread criticism of the practice as "King Caucus," it was abandoned.

## The Party Convention

In 1831 the Anti-Masonic Party of temporary fame initiated the practice of holding a national convention to select candidates, which was quickly copied by the major parties. Party nominating conventions had been previously used in state and local elections and soon became the prevailing method throughout the country. At first hailed as a great and democratic reform, the convention system played into the hands of the political boss and machine and eventually became discredited, though it is still used for the nomination of candidates for President and Vice President and for some other officers in a few states.

The delegates to state and local party nominating conventions were elected by the voters who met in a precinct "caucus" or "primary" as it was called. Few voters except those who were controlled by the party captain took the trouble to turn out, even if adequately notified; hence, the ruling party machine had little difficulty in controlling these precinct meetings. As a result, the party conventions consisted of hand-picked delegations, usually underlings of the party machine, and were not the representative body which they were supposed to be. A s a rule they faithfully carried out the orders arrived at behind the scenes by the political bosses. When contests occurred between different factions within the party, steamroller tactics were often utilized. In some sections of the country, particularly in rural areas, the party conventions consisted of more representative members of the party, but,

in general, the convention system did not work well. The actual control rested with the political boss who was able to hide behind the fiction that the party convention selected the candidates. In a period when political spoils were rampant, when valuable franchises, privileges, tax exemption, patronage, graft, and political power of large cities or states turned on the control of the party nominating convention, crude tactics and gross venality were often utilized. Powerful corporations and money interests often pulled the strings behind the scene, and the nominations were bought and sold on the convention block. Widespread exposure of the graft and corruption of the boss and machine ridden cities and state governments led to deep public resentment against the system.

Party nominating conventions continue to be used in a number of states. Connecticut is the sole remaining state which uses the convention system exclusively, but Indiana, Michigan, Maryland and New York use party conventions for the nomination of all or some state officers, while Iowa and South Dakota resort to conventions in case no candidate for a state office receives 35 per cent of the vote in the primary election. In a number of other states the convention continues to be used in certain elections, or at the option of the party organization.

## The Direct Primary

In the closing decades of the nineteenth century a democratic wave of reform spread throughout the country resulting in the adoption of various new methods, including the direct primary designed to take away the power of the corrupt boss and machine. Prior to 1900 many states had enacted optional direct primary legislation. In the decade from 1905 to 1915, the movement for the direct primary spread rapidly, and by 1917, all but four states had enacted direct primary laws, usually statewide and compulsory in their operation

Forty years ago the direct primary was hailed as a great electoral reform. Like many other reform measures, the direct primary has not lived up to the enthusiastic claims of its advocates, nor has it produced the dire results predicted by its opponents. The first state-wide, mandatory direct primary law in this country was enacted in Wisconsin in 1903 when the elder Robert M. LaFollette was governor of the state. The system has spread until now it is used by every state except Connecticut. The latest to enact a direct primary law was Rhode Island, in 1947.

The results of the direct primary are difficult to appraise.[3] Its operation varies widely from state to state under quite different laws, and its success or failure is a matter of opinion, about which there is no agreed objective standard or test. The major test of any system of nominations is the quality of the candidates nominated, but there is no agreed standard of qualifications for candidates. However, careful research studies which have been made on the operation of the direct primary in a number of states, as well as the observations of writers on the subject, support these conclusions:-

(a) Few men in public life or authorities on elections and parties advocate a return to the former system of nominations by party conventions. Regardless of the inadequacies of the direct primary - and it is generally agreed that the system has many faults - it is almost invariably regarded as preferable to the discredited convention system.

(b) The controversy over the direct primary has practically ceased; it is now an accepted institution, and although it is being constantly modified,

[3]The most authoritative work on the direct primary is by Charles E. Merriam and Louise Overacker. Primary Elections, (Chicago, 1928). See also the following studies of the operation of the direct primary in particular states: Ralph S. Boots, The Direct Primary in New Jersey, (New York, 1917); Carroll D. Wooddy, The Chicago Primary of 1926, (Chicago, 1926); James K. Pollock, The Direct Primary in Michigan, 1909-1935, (Ann Arbor, 1943); L.M. Holland, The Direct Primary in Georgia, (Urbana, 1949), Walter L. McNutt, The Direct Primary in New Mexico, (Albuquerque, 1947); Boyd A. Martin, The Direct Primary in Idaho, (Stanford University, 1947).

it is not likely to be repealed. The political party organizations have found that they can operate under the system, although generally with reduced tightness of control.

(c) The rank and file of voters approve the direct primary and have uniformly voted for it by substantial majorities whenever it has been submitted to popular vote.

It is generally agreed that the direct primary has weakened political parties and has made it more difficult to secure effective and responsible leadership in government. There is difference of opinion, however, on the extent of such weakening. Party leadership under the convention system actually was often weak, too; under the direct primary it has remained strong in many states but in others it has been greatly weakened. The effect of the direct primary on the functioning of the political parties has varied widely from state to state. In many communities, the party organizations have adjusted to the new method of nominations and have retained their strength and influence with little change.

A study of the operation of the direct primary in county elections in Iowa indicated that in the large majority of primary elections there was no contest.[4] This was true not only of the Democratic Party, which rarely saw its candidates elected, but also of the dominant Republican Party, whose nominations were usually equivalent to election. Similar studies are needed in other states. It is surmised that they would indicate that one of the unexpected tendencies of the direct primary is that the party organizations customarily put up a slate and in many areas their slates are often unopposed.

[4] See K. H. Porter, "The Deserted Primary in Iowa," 39 American Political Science Review, 732-40, 1945.

In some sections of the country, however, there are frequent primary contests, sometimes in one party, sometimes in both major parties. These contests at times amount to a free-for-all race between individual candidates, each of whom seeks support from all sides and factions; at other times, there are contests between well-defined factions within the party.

Under the direct primary the press exerts great influence in the selection of candidates. In the absence of political machines which are able to control the nominations of the party, the press is left as one of the most powerful factors. In order to win, candidates must secure publicity which brings them to the attention of voters. Often there is a close alignment between the press and the political organization.

If a primary election is contested, the cost falls on the individual candidate and his backers, and the cost for campaigning in large constituencies is substantial. A hotly contested primary campaign for a state-wide office in a populous state often requires the expenditure of several hundred thousand dollars for legitimate publicity activities, and in the most populous states often exceeds a million dollars for the highest offices. It is not uncommon, in hotly contested races for Congressional nominations, for expenditures of $25,000-$100,000 to be made for the leading contestants. In one constituency of approximately a half million population, a publicity firm specializing in political campaigns will not undertake a campaign for a leading office at less

than $200,000. Notwithstanding official campaign expenditure reports to the contrary, the cost of political campaigns in large and populous areas like state-wide or metropolis-wide scenes comes high.

These large sums of money are not within the means of the candidates, yet, in primaries, do not fall on the party's treasury either; the cost must be borne by others who usually expect a quid pro quo. The cost of campaigning in big districts has become one of the most serious problems of our electoral process. In many such constituencies only candidates with substantial financial support have any chance of success.

The problem of money in elections is thus accentuated by the use of the direct primary. The candidate is required to find funds for two campaigns - one for the nomination, and a second campaign prior to the election. The problem would not be removed, however, by reversion to nominating conventions. Hotly fought contests in conventions often involved considerable expenditures, too. Yet there can be little question that the direct primary has greatly increased the cost of campaigning to the candidate and his backers.[5]

There is no agreement as to the effect of the direct primary on the caliber of persons nominated and elected to public office. When it was first advocated, opponents of the plan maintained that persons of the highest qualifications would be unwilling to become candidates and participate in what was regarded as an undignified campaign, soliciting votes. It was maintained that demagogues and persons of mediocre qualifications would not hesitate to announce their own candidacies and win through blatant appeals, and that a kind of

[5] The standard treatise on campaign expenditures, but now somewhat out-of-date, is by Louise Overacker, Money in Elections, (New York, 1932). See also the more recent articles by the same author on this subject in the American Political Science Review.

Gresham's law would result in the bad candidates driving out the good. The party nominating convention, it was claimed, considered the qualifications of candidates and, if necessary, drafted suitable persons to run.

The advocates of the direct primary replied that party conventions frequently nominated candidates of low qualifications who were willing to take orders from the boss and the machine. They contended that under the direct primary any citizen could run for public office, that better qualified candidates would announce themselves, and that the voters would be able to choose wisely between the contesting candidates.

Unfortunately, there is no agreed standard by which the results of the two systems may be judged. The appraisal of the qualifications of candidates for office, particularly legislative office, is largely a subjective matter. Within the last forty years, during which the direct primary has been widely used, there have been other significant trends in government, in suffrage requirements, in public education, in communication and public opinion, in styles of political campaigning, in the increase in power and influence of organized groups, and in other ways, which have profoundly affected the election of public officers. Corrupt political machines based on patronage and spoils of office, which in 1900 were very common in large cities, are today less common or are less venal, and the general tone of politics and administration has improved immeasurably. Many factors have doubtless contributed to this salutary development, including the widespread reform of city government through the adoption of new city charters, shorter ballots, the city manager plan in 27 per cent of the cities, nonpartisan primaries and elections, civil service, and improved accounting and financial procedures as well as an awakened citizen interest. The adoption of the direct primary or nonpartisan primaries and elections has played a significant part in the

reform movement. Although strong party organizations, commonly called "the boss and the machine," still carry on in many communities, they have become usually more respectable and more responsive to the voters of the party.

While improvement has taken place, it can hardly be claimed that the direct primary has fully succeeded or has lived up to the claims made for it. Professors Merriam and Overacker in their authoritative treatise on Primary Elections, written twenty years ago, strongly defended the direct primary over the old convention system, but concerning the results under the direct primary, which existed then in all but four states, stated:

> "Of the 750,000 elective officials in the United States, only a handful have more than a modest competence, and our real problem is, not how to keep these men out of public office, but how to get more of them to assume direct responsibility instead of indirect as at present."

The criticism commonly voiced against the direct primary as now practiced may be summarized under the following major points:

1. It weakens party leadership and responsibility.

2. It ignores the necessity for conference and consultation in the selection of candidates, and does not provide for the drafting of candidates of high qualifications.

3. It facilitates the candidacies of self-advertisers and demagogues who will push forward unasked and unabashed and wage a campaign for nomination.

4. It affords no suitable means for the formulation of party platforms, or the selection of candidates who are in sympathy with the party program.

5. It entails heavy expense to the candidates because of the necessity of conducting two campaigns.

6. It permits nominations by a plurality vote and contests which are subject to manipulation by the multiplicity of candidates.

7. Since the primary of the dominant party tends to become the decisive election, it is difficult for the minority party to retain its following and to offer effective and salutary opposition. Consequently, the primary tends to weaken and, in many states, to destroy any real bi-party system.

8. Although in some strongly one-party states the primary vote is heavy, the number of votes cast in the direct primary is usually much smaller than that in the final election.

Despite these criticisms, the direct primary has become an accepted part of American political institutions, and it is unlikely that the system will be abandoned. What is much more probable is that the direct primary will continue to undergo revision until acceptable remedies are discovered for its faults.

Every state legislative session sees numerous amendments of the direct primary law. In recent years the idea of pre-primary organization endorsement of candidates, long ago advocated by Charles Evans Hughes, is gaining acceptance.

## Nominating Methods in Great Britain

The nomination methods of Great Britain for the election of members of the House of Commons are of interest because of their contrast with nominating methods of this country. Political parties in Britain are subject to little regulation by law; each party is free to select its candidates as it will. The law simply provides that candidates may have their names printed on the ballot upon filing a petition signed by eight electors, accompanied by a deposit of £150, which is refunded if the candidate polls one-eighth of the vote. The name of the party is not indicated on the official ballot, but since the elector votes for only a single officer at any given election, he has no difficulty in knowing who are the candidates of each party.

There is no primary election or party convention. Members of the House of Commons are elected at a single, plurality election. After conferring with the party officials of the national party headquarters, the local party committee or association in each constituency selects its candidate, and the candidate or the party agent files the necessary papers. If a new candidate is to be selected, the local party committee usually ask the national party organization to recommend candidates and interviews some of the persons taken from the list of suitable candidates maintained in the central headquarters. It is unnecessary for the candidate to be a resident of the district in which he runs. The choice of candidate lies with the local committee, but the advice of the central headquarters is always sought and a candidate is not selected without the approval of the national party officers. The funds for the conduct of the campaign come largely from the national party organization and local party committees would not expect to receive assistance if they selected persons who were not approved by the central headquarters.

Two principal considerations are used in the selections of candidates: (1) Does he support the party program and is he acceptable to the party leaders, and (2) Will he make a good candidate? The committee must judge whether the candidate will appeal to the voters within the district, for victory is the first consideration.

One who is accustomed to American practice might surmise that many candidates would offer themselves, but the requirement of a deposit of £150 discourages frivolous candidacies and the number is actually small. Even the major parties do not put candidates in all constituencies. It might be imagined also that several candidates might claim to be the nominee of the same party, but this never occurs.

The voter has no voice in the selection of the candidates of his party; the choice is made by the party committee, which accepts full respon-

sibility. If the voter does not like its selection, he may abstain from voting, or may vote for an opposing candidate. There is no requirement that the voter register as a member of a party. The absence of the requirement of party registration does not weaken the loyalty of the voter to his party; on the contrary, nowhere in the world under free elections is party loyalty stronger.

In striking contrast to the practice in this country, the British have not found it necessary to regulate nominations and have no statutes corresponding to the detailed laws in this country concerning party committees and officers, conventions, primaries and other party activities. The short ballot and the absence of any party labels on the ballot greatly simplify the problem. There is no serious criticism of the nominating system in Britain. It enables each party to attract qualified candidates to enter the public service by running for public office. The strength of the British party system is due in large part to the simple, responsible method of selecting party candidates.

## PART II. RECOMMENDATIONS FOR A MODEL PRIMARY ELECTION SYSTEM

### The Short Ballot

Recommendation No. 1: The principle of the short ballot should be adopted for all elections by taking off the ballot all offices except those of major importance which are responsible for the major policies of the government. All other offices should be filled by appointment by responsible officers.

The long ballot, which places an impossible task on the voter, is essentially undemocratic and results in an irresponsible and usually inefficient governmental organization. One of the most basic governmental reforms needed throughout the country is the removal from the ballot of all offices except those responsible for the major policies of the government, and the adoption of a short ballot.[6] The most notable development in this direction in this country is the widespread adoption of the council-manager form of government in which only the members of the council are ordinarily elected. The city manager and other administrative officers are appointed. The state of New Jersey recently adopted a new state constitution which continues to provide for the election of only one state-wide executive officer - the governor. New York and Virginia have also taken off the state ballot all but two or three state-wide executive officers. Most other states, however, as well as counties and many cities, continue to elect numerous administrative officers who should be appointed by the chief executive.[7]

No primary system will work well with the jungle ballot; any primary system will work better with a short ballot.

[6] There is considerable literature on the short ballot. See Richard S. Childs, Short Ballot Principles, (1911), and any standard textbook on political parties and elections.

[7] In Michigan and South Dakota, candidates for the lesser state offices are chosen by party conventions instead of being nominated in a direct primary election. The conventions meet in these states following the direct primary and the party candidate for governor is by custom given an influential voice in the selection of the party nominees for the other offices.

## Proposal of Candidates by the Party Organization

Recommendation No. 2: Party organizations, acting through committees or conferences of responsible party officers, should be authorized by law to select and propose candidates for nomination by the party for public office and for election to party office, to be voted on at the direct primary election.[8]

This is the major recommendation, the central feature, of the proposed model primary election system.

Forty years ago Charles Evans Hughes, then governor of New York, advocated that party organizations should be authorized to propose candidates prior to the direct primary election and strongly supported a direct primary bill which embodied this proposal.[9] While others had advocated the same principle, Governor Hughes gave it prominence and subsequently it has often been referred to as the "Hughes Plan." Though unsuccessful in securing its adoption by the New York State Legislature, Mr. Hughes continued to advocate this plan and, in his presidential address to the National Municipal League in 1920, stated in defense of his proposal to authorize party conferences to propose candidates:[10]

> To my mind the most serious question is with respect to the obtaining of suitable candidacies under the direct (primary) method. The aversion to a primary contest on the part of men conspicuously well fitted for office is quite apparent. The citizen of ability, well trained and experienced, is a man with a vocation. He is not destitute of public spirit, but he is not in a position and has no inclination to spend time and money trying to get an office he does not want, and which he would take at a considerable sacrifice....The party conference would afford the opportunity for bringing forward men of merit, fitted for office, who would be willing to accept nomination with the backing of the designating body, although they would not subject themselves to the annoyance and expense of an open primary.

[8] Three states which use this plan - Colorado, Nebraska and Utah - use the term party "endorsement" rather than "proposal" of candidates. As used in this report, the terms "endorse" and "propose" are synonymous. Strict usage would require that the term "endorse" be applied only to candidacies which have been previously announced and the term "propose" to candidacies which are initiated by the party committee. This distinction, however, is not maintained in the states which use the plan and it seems undesirable to follow it here. In actual practice, the party organizations in these states do both; they "endorse" candidates who have already announced themselves and they "propose" candidates who have not announced.

[9] For an account of the early advocacy of official party endorsement by Charles Evans Hughes, see Richard S. Childs, "Rhode Island Tries Primary," 38 National Municipal Review (1949), 126-29.

[10] "The Fate of the Direct Primary," 10 Ibid. (1921), 23-31.

The plan of organization proposal of candidates prior to the primary made slow progress for three decades, though unofficial proposal has become the common practice in many states.[11] The National Municipal League's Committee on Election Reform recommended a modification of this plan in 1921.[12] Colorado early enacted a statute, which is still in effect, providing for party conventions or "assemblies," as they were called, which are held prior to the direct primary to endorse candidates. All those who receive 20 per cent of the assembly vote are officially endorsed by the party and placed on the primary ballot. South Dakota enacted a complicated direct primary law in 1917 which provided for pre-primary party conventions, along with other novel features. This law was repealed in 1929. Massachusetts adopted a pre-primary party endorsement law in 1932 but it was repealed in 1937.[13] Minnesota enacted such a law in 1921 but repealed it two years later.

Within recent years the plan of official proposal of candidates, usually by a pre-primary convention, has been adopted more widely and now exists in four states, Colorado (1912), Nebraska (1944), Utah (1947) and Rhode Island (1948).

[11] See Charles E. Merriam and Louise Overacker, Primary Elections, (1928), 214. This is the standard work on primary elections.

[12] 10 National Municipal Review, (1921), 12-16.

[13] It is reported to the author that the Massachusetts law was actively sponsored by the Anti-Curley Democrats who hoped thereby to defeat him at the next election. Governor Curley, however, defeated the candidate who obtained the official Democratic endorsement and the law was repealed after being used in only a single state election.

## Summary of the Law and Practice of Four States Which Use This Plan

Colorado. Each political party is authorized by law to hold pre-primary party "assemblies," at the local, district and state level and to endorse[14] candidates at the primary election for all except municipal offices. Delegates to the county assemblies are elected by party caucuses held in each precinct under party rules and delegates to higher assemblies are elected by the county assemblies. One ballot only is cast for each office and any candidate who receives 20 per cent of the vote is endorsed by the "assembly." The names of the endorsed candidates are printed on the primary ballot at the top of the list, in the order of the votes which they received at the party assembly. Other candidates may be entered by petition of voters and appear on the ballot below the names of endorsed candidates. The time for holding assemblies is not specified by law, but certificates of endorsement must be filed during the period for filing nominations - 45 to 60 days prior to the primary election. Registration as a member of the party is required to vote in the primary, which is held on the second Tuesday in September. The Colorado law has been in operation since 1912.

The Colorado plan of pre-primary party assemblies to propose candidates is fully accepted by the political parties, candidates, the press and the public. There has been little, if any, criticism of the system and no proposal to abandon it. Although any person who receives 20 per cent of the assembly vote is endorsed by the party and as such is entitled to a place on the ballot, in actual practice usually only one person is designated for each position. County offices in the state are poorly paid and not eagerly sought after. Candidates are rarely placed on the ballot by the petition route, principally because any serious contender can secure sufficient votes in the

[14] The term "endorse" is used in the law as synonymous to our term "propose."

party assembly to secure a party endorsement. In one instance some years ago, however, a petition candidate for governor captured the party nomination and was elected.

The effect of the system is to enable the party organizations to bring forward candidates whom they regard as suitable and to discourage the candidacies of persons who have little real support. It is not possible, however, to state that the candidates for public office in Colorado differ materially from the candidates of neighboring states. The typical result is for a single candidate to be put forward by each major party and there are few contests in the primary of either party. The system, however, does permit insurgent movements to rise within the party and to challenge the party leadership, as indicated by the contest for the Democratic nomination for United States Senator in 1948. Mr. Eugene Cervi, a liberal Democrat, had little difficulty in securing sufficient assembly votes to secure one of the party endorsements and thus to enter the primary against the conservative Democratic incumbent, Senator Edwin C. Johnson.

Nebraska. State and congressional pre-primary party conferences, called conventions, are held in Nebraska 12 weeks before the direct primary election to endorse candidates for state and national offices. (Members of the single-house legislature are elected at a nonpartisan election.) Party officials elected by the voters at the preceding primary election two years earlier constitute the personnel of the convention, ex officio, so it is not a convention of the familiar type with delegates elected for that brief service alone. Two candidates may be endorsed by the pre-primary convention for each office, provided that the second candidate receives at least 25 per cent of the convention vote. The party endorsement is indicated by an asterisk on the ballot and the endorsed candidates are placed at the top of the list, the candidate with the first endorsement receiving first place. Other candidates

may enter the primary by filing a petition. The names of such candidates are rotated on the ballot. The primary, which is of the "closed" type, is held in April.

Since the Act went into effect in 1946, the state, at present writing, has held two primary elections. At the first primary elections under the law in 1946 the candidates who received the first endorsement of the party pre-primary conventions of the major parties were invariably successful. In a few instances the conventions endorsed two candidates, though single endorsements were the rule. In a number of cases the endorsed candidates faced opposition from other candidates nominated by petition. While the endorsed candidates invariably won, it is reported that the reason for their success was probably that the party conventions picked candidates who were better known than their opponents, rather than the influence of the endorsement by the party convention.

In the 1948 direct primary, several candidates who received the first endorsement of the pre-primary convention of the dominant Republican Party were defeated by opponents who secured the second endorsement. The earlier belief that the candidates who received the first endorsement were sure winners was definitely disproved. Incumbents who sought renomination were usually unopposed. Single endorsements were given to United States Senator Kenneth S. Wherry, Governor Val Peterson and most other state officers. Contests developed for the nomination for Attorney General, Lieutenant Governor and the two positions on the State Railway Commission; two candidates were endorsed for each of these offices. In the following primary, three candidates who secured the first endorsement of the party convention lost to the candidates who captured second place. A number of candidates nominated by petition without party endorsement also entered the primary but in no instance did these candidates poll a substantial vote.

There were few contests in the Nebraska Democratic pre-primary convention of 1948 and a single endorsement was made in all cases, except for the members of the State Railway Commission. A group of young Democrats pushed a 36-year-old history professor of the University of Nebraska for the nomination for United States Senator but were badly defeated at the convention, polling only 27 out of over 300 delegate votes. A wealthy businessman was nominated instead. Both candidates ran in the primary, the endorsed candidate winning by a vote of approximately two to one. All Democratic candidates who received the first endorsement of the party were nominated in the primary, though not without a contest in several cases. Nebraska is strongly Republican and contests in the Democratic primary are unusual.

The use of pre-primary party conventions (conferences) in Nebraska is generally regarded as successful, though there has been some criticism on the ground that it gives too much power to the party regulars or the "ins" who control the party organization. Nowhere in the country was the Populist movement stronger than in Nebraska and there is still considerable distrust of party organizations.

Utah. In 1947 Utah adopted an act providing for pre-primary party conventions which are authorized by law to select two candidates from those who have filed nomination papers for state and local partisan offices. The two candidates who poll the highest votes at the party conventions are designated to run in the primary election which is held on the first Tuesday in September. Utah has an "open" type primary. Prior to 1947 Utah had a dual primary system with a second, or run-off, primary between the two highest candidates. The pre-primary convention thus in effect took the place of the first primary. Delegates to the county primary conventions are elected by the voters of the party at meetings held in each voting precinct, while delegates to higher conventions are elected by the county conventions.

Utah has had only a single primary election under its pre-primary convention law. The Utah law has several unusual features. The party conventions are required to select two candidates for each office and no provision is made for nomination by petition. There is no requirement, as in Colorado and Nebraska, that the candidate who secures the second endorsement shall have polled a specified percentage of the convention vote. Instead of reducing the primary contests, the law tends to insure that there will be contests. In support of the act it was urged that it would lessen the ability of incumbents to secure renomination through the use of patronage. The vote of delegates at the party conventions is by secret ballot - an unusual procedure.

The Utah primary election in 1948 was hotly contested in both major parties for most offices, both before and after the pre-primary party conventions. In several instances candidates who had the greatest organization support and who polled the largest vote at the convention were defeated at the following primary. Apparently the voters of the state did not give much weight to the strength which candidates demonstrated in the convention.

Rhode Island. Rhode Island enacted its first direct primary law in 1948 and it became effective that year. The provisions concerning party proposal of candidates are very simple. Any party committee - state, district or local - may, within 48 hours after the close of the period for filing individual declarations of candidacy - file with the appropriate officer a list of candidates it proposes. Presumably, only a single candidate may be proposed for each office, but the law does not specify. The selection of candidates to be proposed is made by the regular party committees rather than by a special convention. Candidates who receive the party endorsement have an asterisk printed by their names and are given first place on the ballot or first column on the voting machine. Other candidates may be placed on the

ballot by petition. The primary of each major political party is held on separate days about the middle of September and is of the "closed" type. The members of the local party committees are elected at the primary election; the state committee is elected according to the rules of the party.

Prior to 1948 nominations in Rhode Island were made by conventions or caucuses of the political parties. The direct primary law of Rhode Island of 1948 was the result of a movement for primary reform led by the League of Women Voters with the support of prominent political leaders. Similar bills had been before the two previous legislatures. All the primary bills provided for organization proposal of candidates and the principal fight centered around the issue whether organization-proposed candidates should be designated with an asterisk and given the first position on the ballot. Both of these features were incorporated in the act.

In the 1948 primary election the endorsed candidates were commonly referred to as the "first column" candidates and the unendorsed candidates were called the "insurgents" or "second column" candidates.[15]

In the Democratic primary of 1948 the candidates who received the party endorsement won in every case, usually by an overwhelming majority; many were unopposed. In view of the fact that the Democratic Party had held the state offices during the preceding 10 years, the lack of contests in the primary is remarkable. Due to the absence of contests, the Democratic primary brought out a vote of only one-third the normal Democratic strength.

The Republican primary was marked by many contests and brought out a vote of 43 per cent of the normal party vote. Throughout the state the endorsed candidates won in all but two contests, though they were usually opposed. In the 25 contests for the state assembly, the endorsed candidates

[15] For an account of this primary, see Richard S. Childs, 38 National Municipal Review, (1949), 229-32.

won 23 and lost 2. The endorsed candidates for state offices usually polled above thirty thousand votes, while their leading opponents without party endorsement polled from 12 to 18 thousand votes. The candidates who ran in opposition to those endorsed by the party had in all cases sought the party endorsement. In neither party did the primary election result in an overthrow of the party organization. In the contest for mayor of Woonsocket, a candidate who had opposed the previous party leaders nevertheless secured the approval of the party and was unopposed at the primary. The operation of the law was praised by the Providence Journal, which stated editorially on the day after the Republican primary (September 14, 1948):

> Rhode Island's first experience with the direct primary as a substitute for the old caucus system was, in our opinion, a marked success . . . The GOP Slate named in yesterday's contest can justly claim to represent the preference of the party rank-and-file. Although there is little question that organization endorsement and support played a considerable part in the success of the victorious ticket, it is notable that the most colorful and aggressive of the unendorsed candidates, State Senator Archambault, ran well ahead of most of his colleagues of the "Second column." Also, it is encouraging to see that the free expenditure of funds, as represented by the candidacy of Walter Sundlin, is not in itself enough to capture a top party nomination in Rhode Island, as has been the case in other states where the direct primary is used.

New Mexico enacted a pre-primary party convention law similar to that of Utah in 1949 but it has been suspended because of a referendum petition and has not gone into effect.

## Merits of Official Organization Proposal of Candidates Prior to the Primary

1. By the proposal or endorsement of candidates prior to the primary, the party committee or organization performs the useful function of sifting the candidates and selecting those whom it regards as best qualified and most likely to win. The endorsement is, in effect, a certificate that the proposed candidates are (a) qualified for the office, and (b) are in agreement with the policies and program of the party.

2. There is a real need for the officers of each party, acting in committees or through party conferences or conventions which they call, to find suitable candidates to run for the party nomination. No organization of any kind - business, civic, fraternal, religious, educational, or other - would, as a rule, elect its officers without utilizing a nominating committee to perform the dual function of screening possible candidates and inducing those selected to run. If there is need for such a committee in relatively small organizations whose members are well-known to each other, the need is infinitely greater in choosing public officers. The direct primary ordinarily makes no provision for this essential function to be performed, apparently on the assumption that qualified candidates who represent the will of the party will announce their own candidacies for office and that no preliminary screening is necessary. Experience amply proves that these assumptions are not borne out in practice and that there is a real need for the party officers to seek out and propose or endorse suitable candidates to the rank and file of voters. While the party organizations in many states unofficially put up party slates of candidates in the primary elections, this sponsorship of candidates is not made in an open, responsible manner.

3. If the officers of each party are authorized by law to propose candidates for the primary election, they will be able to draft persons of outstanding qualifications to stand for public office - persons who would be

unwilling to announce their own candidacies and conduct a campaign for the nomination on their own initiative.. Persons who are successful in their own profession or business have achieved this success only after years of preparation and experience; for them to accept public office, even a part-time office, ordinarily involves considerable sacrifice. Persons of this type, and particularly persons who are unwilling to use public office to advance their own interests, are rarely willing to become candidates unless they are asked to do so by a responsible organization which is able to conduct a dignified campaign on their behalf.

4. The official organization's proposal of candidates prior to the primary will provide voters with a basis for making their choices and permit more intelligent voting. The organization's endorsement will constitute a certificate of the qualifications of the endorsed candidates, which often will be highly useful to the electors and will constitute a safeguard against the nomination and subsequent election of persons who are obviously unqualified. Without any official party endorsement of candidates, it has often happened that unqualified candidates are nominated in the direct primary at times, because their names are similar to those of persons who have been prominent in public life. Because the voter who is faced with a long primary ballot frequently has little real information or guidance on which to base his choices, particularly for the so-called minor offices, chance, hearsay and rumor become determining factors.

5. The provision that the party organization shall propose or endorse candidates for the party nomination, to be voted for at the primary election, will provide the recognized party officers with the occasion to consult not only about candidates, but also concerning policies and programs and to adopt meaningful platforms prior to the primary. The experience of practically all states has been that platforms adopted after the primary election and after

the candidates of the party have been selected are of little value. Platforms adopted before the primary will take on greater significance. Candidates will be expected in the primary campaign to take a stand on the major planks of the platform and, if elected to office, will be committed to support the major policies of the party. Voters will be better able than at present to ascertain whether candidates support the program of the party. When a party organization is in disrepute, its candidates will be a target for hostile voters.

6. Official organization proposal of candidates will require the officers of the party to seek out and recommend to the voters of the party candidates who are in agreement with the policies and program of the party. The direct primary at present often results in invasion by candidates who are actually opposed to the party program. Candidates frequently are able to win the nomination with noncommittal stands concerning the major issues on which the party has taken a position. Often they run as loyal members of the party though they have opposed its policies. Under these circumstances, political parties have lost much of their meaning and consistency. Effective party life requires better means to enable the voter to know not only what the parties stand for, but whether candidates are in agreement with the policies and programs of the party.

7. The proposal of candidates by party committees will reduce the cost of campaigning to individual candidates and lessen the abuses arising out of excessive campaign expenditures. Candidates who receive the party endorsement will often be unopposed. If opposed, the party organization is expected to conduct a campaign in their behalf. The cost of the primary campaign is thus borne largely by the party organization rather than by the candidate and his backers. While the candidates are thereby placed under obligation to the party organization, this is preferable to obligation to private backers and

special interests who have axes to grind. The actual expenditures in political campaigns are far higher than is commonly supposed or is ever reported. Candidates whose primary campaigns are financed by special interest groups often become the tools of these groups when elected to office. The power of pressure groups and lobbies before legislative bodies is based largely on this fact. Official organization proposal of candidates prior to the primary will not cure the situation but would appear to be one of the most effective steps which may be taken to lessen the evils of campaign expenditures.

8. The adoption of official organization endorsement of candidates prior to the primary will strengthen political parties and enable them to attract outstanding citizens to service in party positions. In many areas of the country, the county and state party committees at present have few, if any, real functions. Their platforms are usually largely meaningless and they are debarred by statute from performing that essential function of all political parties - sponsoring candidates. It is small wonder that persons of ability are not attracted to serve on party committees. If, however, party committees are given the functions of adopting meaningful policies and programs, of sponsoring suitable candidates in the primary election, and conducting a campaign in their behalf, party service will take on added prestige and attract more outstanding and representative members of the party.

## Criticisms of Official Organization Proposal of Candidates

1. The authorizing of political party organizations officially to propose candidates prior to the primary will, in effect, restore the old, discredited convention system of nominations attended by boss and machine rule. Other candidates will not be willing to oppose those who have secured the party endorsement.

2. This plan gives too much power to a group of irresponsible party officials who are often subject to machine control. In many sections of the

country, party committees with little influence and few functions no longer attract prominent members of the party and are often controlled by little cliques or special interests. Party committees often do not command public confidence and respect. Many city and county party committees rarely meet and when they do, their meetings are little more than those of a debating society. Voters of the party, as a rule, take little interest in the election of party committeemen. Under these circumstances, it is very doubtful that party committees should be authorized to propose or to endorse candidates prior to the primary election. Such endorsement would undoubtedly greatly influence the results, particularly if endorsed candidates are placed at the top of the list with a designation to indicate that they have received the official organization endorsement.

3. Every citizen is entitled to become a candidate for public office without having his candidacy prejudiced by the endorsement of opposing candidates by the party organization. The very purpose of the direct primary will be defeated if party organizations are authorized to propose candidates to be voted on at the primary.

4. The function of the party committees is not to attempt to influence the choices of candidates by the voters of the party, but to conduct the campaign for the candidates selected by the voters of the party at the primary election. The party organization, therefore, should remain strictly neutral during the primary campaign and make no endorsement between competing candidates.

5. If party leaders are to endorse candidates prior to the primary, it is far better that they do so unofficially rather than with legal authorization and sanction. In many states the party leaders do propose candidates in an unofficial manner but these candidates do not carry the label of official organization endorsement and are not given a preferred position on the ballot. Other candidates are free to oppose them.

It is undoubtedly true that party committees in many states and local communities do not command public confidence and respect. One of the purposes of the proposed recommendations for a reform of the primary system is to bring about a more healthy, vigorous and effective party system under which more able citizens will be attracted to party service. The danger of entrusting to the party committees the function of proposing or endorsing candidates, however, is not as serious as alleged. The influence of the endorsement will depend almost entirely upon the standing and prestige of the party organization. If it is in ill repute, its endorsement may be a liability rather than an asset. The party organization can acquire influence only by proposing candidates who are acceptable to the rank and file of voters. And it should be recognized that even a very mediocre party committee may select able and highly qualified candidates. Much will depend on the leadership of the party and whether it is forced to put forward good candidates in order to win. It should be recognized, also, that the authorization of official endorsement of candidates by the party organization is merely to regularize and to bring into the open what now ordinarily takes place, anyway, in an unofficial and irregular manner. It would appear preferable for the party officers to propose candidates officially and in a responsible manner than to propose them as they now do in an unauthorized and irresponsible manner. As Chief Justice Hughes argued years ago, candidates will necessarily have their backers and it is better to have their sponsorship in the open so that voters may know of it than to have it the subject of speculation and doubt.

The contention that under the direct primary the party officers should play no part in the selection of candidates and that every citizen should have an equal opportunity to be nominated without his candidacy being prejudiced by the endorsement of others by the party officers, will not stand up under analysis. The direct primary was never intended to do away with

party leadership which is essential if political parties are to perform their legitimate functions. It was intended rather to make the party officers responsible to the rank and file of the voters of the party and to give the voters the final choice of who will be the nominees of the party. The party officers should have the definite responsibility of bringing forward and proposing suitable candidates for the choice of the voters; otherwise, voters will often have only a Hobson's choice. Every citizen is entitled to run for public office and to secure the endorsement of his party organization or others if his candidacy merits it; he cannot complain if other candidates are so endorsed. Voters are entitled to know who are the backers of candidates; this information is essential for well-informed voting.

Should the Organization Pre-Primary Proposal of Candidates Be Made By the Regular Party Committees, or By Delegate Conventions?

Rhode Island and Nebraska provide that the regular party officers constitute committees to propose candidates for the party nomination to be voted on at the party primary, while Colorado and Utah provide for delegate pre-primary conventions. Each method has certain advantages and disadvantages. The proposal of candidates by the regular party organization is a simple procedure which tends to fix responsibility so definitely that it cannot be escaped. Indeed, it would be practicable to require the signatures of all the individuals to their proposals. The party leaders must accept responsibility for the candidates whom they propose and cannot hide behind the facade of a delegate convention which is usually controlled by a few leaders. The more definitely that responsibility can be fixed upon a small number of party officials, the better the system will work. The secret of the success of the British system of nominations is its great simplicity. The local party committee chooses the candidate of the party for the House of Commons, though by custom it consults with the central party organization.

One merit of the Rhode Island and Nebraska system of proposal of candidates by the official party committees is that it facilitates conference and consultation between the state and local party officers which is useful in the selection of candidates for the state legislatures and for Congress. The excessive decentralization of our political parties has been one of the major reasons for their weakness, lack of unity and failure to stand for definite principles and policies.

The plan of authorizing the committees of party officials to propose candidates for the party nomination will be objected to on the ground that the committees are often relatively small in size, subject to manipulation and control by political bosses, and meet behind closed doors as a general rule. Many persons would favor the use of some form of delegate conventions which may be much larger in size and more representative of the membership of the party. Party conventions are useful in building up party enthusiasm, in permitting a larger number of members of the party to participate, in their educational effect, and constitute a suitable occasion for the party to adopt a platform of principles and policies.

The actual difference between the two systems is not as great as it might appear. A large convention is not a deliberative body; the real work is necessarily conducted by a much smaller number of leaders. This is true, not only of party conventions, but of all large conventions of any kind. If a convention is utilized to select candidates for endorsement by the party, there arises the question of the method of selecting the delegates. An additional state-managed election for this purpose immediately prior to the convention is not a suitable method; it is not only expensive but, since the vote would always be light, it is not a desirable method. Informal caucuses are obviously vulnerable. The better procedure is for the officers of the party elected at the preceding primary election to be ex officio delegates to the committee or conference. They could, however, be permitted to

provide for the appointment of additional delegates by the county committees of the party in proportion to the vote cast by the party in each county.

### Should Political Parties be Authorized to Propose or Endorse One Candidate For Each Office?

Colorado, Nebraska and Utah each authorize the proposal of more than one candidate for an office and the nomination of two candidates for each office is required in Utah, while Rhode Island provides for the proposal of only a single candidate for each office. The proposal of a single candidate fixes the responsibility more definitely on the party organization, while the proposal of two or more candidates for an office permits the party organization to shift this responsibility to the voters. The danger of abuses by the organization committee in the proposal of candidates is lessened by the provision, as in Nebraska, that if a second candidate polls a specified percentage of the vote at the convention, he shall also receive an organization endorsement. In this regard, the Nebraska law stands midway between the Rhode Island provision for a single candidate and the Utah requirement that two candidates be designated for all offices. The party organization should ordinarily endorse only a single candidate for an office and accept full responsibility for their selection, but there is some merit in the rule which requires a second endorsement if the second highest candidate polls a specified percentage of the convention vote, say, 25 per cent. The experience in Colorado and Nebraska is that even with such a rule, ordinarily only a single candidate is proposed for each office. The provision for a second proposal permits insurgent groups to rise within the party and challenge the party leadership, which is a healthy provision.

### Designation of Organization-Proposed Candidates on the Ballot

Recommendation No. 3. Candidates proposed by the organization committees or conferences and duly certified to the public officers in charge of printing the ballot should have their names

printed on the primary ballot with a designation (by asterisk or otherwise) to indicate that they have been proposed by the party organization.

If political party organizations are authorized to propose or to endorse candidates prior to the primary election, it is desirable to provide that such candidates shall be so designated on the ballot. This will avoid any uncertainty by the voters at the primary as to which candidates have received the organization endorsement. The designation by an asterisk is preferable to according the first position on the ballot to candidates proposed by the party organization. Many states wisely provide for the rotation of the names of candidates on the ballot so that each candidate will be given equal treatment with all others with regard to position on the ballot.

Provision for Other Candidates

Recommendation No. 4. Any person should be permitted to become a candidate for the party nomination for any office, and to have his name printed on the ballot by fulfilling the legal requirements, ordinarily by filing a petition and by posting the required filing fee before or after the organization makes its proposals. The final date for such filing should be specified by law and should be at least two weeks after the final date fixed for organization committees to file their lists of proposed candidates.

It is essential to the whole proposal of pre-primary organization proposal of candidates that the way be open for other candidates to contest those who have received the organization endorsement. If opposing candidates are not permitted, the effect is to return to the convention system of nominations, with its attendant abuses. The most effective way in which party organizations can be held responsible to the voters is to provide the voters with effective alternative choices. This will influence the organization to nominate acceptable candidates. The Utah law which does not permit unendorsed candidates to run in the primary election is not in accord with sound public policy.

Two methods are widely used in this country to place the names of candidates on the ballots, namely: (1) petition, (2) declaration of candidacy accompanied by a deposit. The system of nomination by sponsors is a

variation of the first method which requires only a small number of signers or sponsors. It is generally agreed that a large number of signers to nominating petitions are unnecessary and undesirable. They do not serve to indicate whether the candidate has any real support - the only purpose for which they are intended.

The nomination by a small number of signers or sponsors, coupled with a reasonable deposit fee designed to keep out frivolous candidates and persons with no real support, is suggested. Most state legislatures, however, have been reluctant to impose more than a nominal filing fee in the belief that it would be undemocratic.

The British practice of requiring a large deposit and refunding it to candidates who poll one-eighth of the vote might well be followed in this country. The principle is used in Canada and is on trial for certain offices in Michigan.[16] The British fee for parliamentary candidates is £150.

The final date at which organization committees are permitted to file their list of proposed candidates will normally be from several weeks before the primary election. Earlier filing tends to extend the period of campaigning unduly. Individual candidates should be permitted to file for a place on the primary ballot either before the party committees lists are filed, or within two weeks afterwards. It is particularly advisable to allow time afterwards so that potential candidates may have time to gather support and petitions and enter the race if there is dissatisfaction with the candidates proposed by the organization. Many individual candidates will prefer to file prior to the party endorsement of candidates rather than afterwards, thus avoiding giving the impression of fighting the organization.

> Recommendation No. 5. Individual candidates should be permitted to file for the nomination of only one party - that with which they are affiliated. Organization committees, however, should be permitted to propose candidates who are not members of the party.

[16] "Candidates Won't Stay Out," a study of Detroit experience by Harold M. Dorr, "Deposit Simplified Election Procedure," by Richard S. Childs, National Municipal Review, May 1949.

The provisions in state laws concerning who may become a candidate for the nomination of a party for a public office vary widely. The most common provision is the one recommended, namely, that a person must be affiliated with the party in order to become a candidate for its nomination for any office. A number of states, however, go further and require persons who enter the primary to take an oath or sign an affidavit that they will support all of the candidates nominated by the party, while still other states permit persons to enter the primary of any or all parties, regardless of whether they are members of the party. It is not sound public policy to require any person to commit himself to vote for candidates "sight unseen." On the other hand, the practice of "dual filing" or "cross filing," which is extensively practiced in California, tends to weaken political parties and make party division meaningless. In California it has become standard practice for all candidates with any substantial support to enter the primaries of both major parties, and in the large majority of cases the successful candidate captures the nomination of both major parties, and appears on the ballot at the final election with the designation of both parties. Candidates conduct campaigns to win the nomination of both parties, and, believe it or not, usually represent themselves as being "good Democrats" and "good Republicans." On the whole, the system works badly. Not only does it introduce an element of confusion and obfuscation in the primary campaign, with candidates making appeals to both parties, but it also results in the virtual election of the majority of officers in the primary. Candidates who capture the nominations of both major parties, which happens in about two-thirds of the contests, are assured of election and need not make any further campaign before the final election.[17]

[17] On the operation of cross filing in California, see Dean E. McHenry, "Cross Filing of Political Candidates in California," Annals of the American Academy, (1946), 83-96; Joseph P. Harris, "A New Primary System," California Monthly, May 1949, and Robert Burke, The History of Cross Filing in California, unpublished master's thesis, University of California, Berkeley.

Despite these obvious defects, the system has some merits which have commended it to the state legislature, and efforts to repeal it have been unsuccessful. Members of the state legislature and public officials, as a rule, like the system because it enables them to be elected with only one campaign and thus avoid the bother and expense of a second campaign prior to the general election. Voters generally like the system because of the freedom of choice which it gives them. All serious candidates run in the primaries of both major parties, and hence voters are able to vote for candidates whom they favor in either party.

The experience of California demonstrates that it is undesirable to permit candidates to enter the primary of the opposing party. There is, to be sure, much to be said for the freedom of choice which the system gives the voter, but freedom of choice can be provided, if desired, by the use of the Washington "blanket" type of ballot (discussed below), without the anomalous provision permitting candidates to run simultaneously in the primary of opposing parties. It is also possible to provide, as will be explained below, a method whereby candidates who receive a clear majority of all votes cast will be elected at the primary, without utilizing the curious system of "cross filing."

While it would appear undesirable to permit candidates to enter the primary of the opposing party, there is no reason why an organization committee should not be permitted to endorse the candidate of another party. It has frequently happened in the past that a sitting judge is nominated by the conventions of both parties, and occasionally incumbents of other offices as well.[18]

[18] In New York City the existence of two additional strong local minority parties, the Liberal Party with 4% of the party registrants and the American Labor party with 5% creates a unique four-party situation not found elsewhere in the country. It is very common for these minor parties to select candidates of one of the major parties rather than to put up their own. These minor parties a re frequently loosely associated with one of the major parties rather than being truly an opposing party and local reformers who want "fusion" against the dominant party to be unimpeded deplore the recent Wilson Pakula law giving the organizations the control here proposed. It is unlikely under the political traditions of New York State that uncontrolled dual filing would ever result in common cross filing by candidates in both major parties as in California.

## Minor and New Parties

Recommendation No. 6. The use of the direct primary should be mandatory for political parties which polled ten percent or more of the vote cast at the preceding general election. Smaller parties should not be permitted to demand state conduct of their internal nominating processes and do not need it.

Minority parties rarely have any contests for nominations, and it is unnecessary to require their use of the direct primary. Very small parties, indeed, commonly have difficulty in filling up the ticket. The benefits of government operation of a primary should be restricted to parties which have cast a specified minimum vote, say ten percent, in order to avoid the needless expense of printing separate ballots for the very small parties in which contests are extremely rare.

Recommendation No. 7. Provision should be made whereby small or new parties or independent candidates may qualify by petition and have the names of their candidates printed on the ballot at the final election.

While third parties have rarely succeeded in electing their candidates to public office, and often have been short-lived in this country, it should be recognized that they frequently play an important and valuable role. They have generally been the means whereby voters who are dissatisfied with the major parties may express their protest, and often they have advocated governmental reforms which were later supported by one of the major parties and adopted. A number of states have unfortunately enacted legislation which makes it extremely difficult for new parties to secure a place on the ballot at the general election. Indeed, in the 1948 presidential election the voters in two states were not permitted to cast their ballots for the national Democratic candidates, who were unable under state law to secure a place on the ballots of these states.

## Open, Closed, or "Blanket" Type of Primary?

Recommendation No. 8. It is deemed unwise to offer any positive recommendation as between the "open," "closed" and "blanket ballot" type of primary. The merits and objections to each type are summarized below. The system which is best suited for a particular state will depend in large part on the party traditions and history within the state.

Direct primaries may be classified as "open" or "closed." Under the "closed" primary, which is used by the large majority of states, only voters who have registered their party affiliation ahead of time, or who declare it at the polls when they apply to vote in the primary election, are permitted to vote. They are handed the ballot of the party with which they have declared themselves, and are limited in the primary election to the candidates of that party.

### Closed Primary

In eighteen of the states which use the "closed" primary, voters are required to register their party affiliation prior to the primary, while in the other states they are required to declare their party affiliation when they apply for a ballot, and may be challenged on the ground that they are not bona fide members of the party. A number of states require the voter to state under oath that he will vote for all the candidates of the party, or that he has supported all candidates of the party in the past, but the usual provision is that the voter must simply state that he is generally affiliated with the party. The attempt to bind the voter to vote for all candidates nominated by the party, however, is unsound as a public policy, and is not legally enforceable.

### Open Primary

In the "open" primary the voter is not required to register his party affiliation ahead of time, or to disclose it when he applies for a primary ballot. He is handed the ballots of all political parties, and in the secrecy of the polling booth selects the party ballot which he wishes to vote. In some states the several party ballots are stapled together, and the voter selects one and marks it; in other states they are printed on a single ballot paper

but the voter invalidates his ballot if he does not confine his marks to candidates in one party. The "open" primary is used in the following eight states: Wisconsin, Minnesota, Montana, Idaho, Washington, Utah, Michigan and North Dakota. The last five states listed adopted the "open" primary during the period of 1935-39, indicating a trend in this direction, but it does not appear that any other state has adopted the "open" primary since 1939.

"Blanket" Primary

The state of Washington uses the "blanket ballot" type of primary described below, which is more wide open than that of the other states.

Merits of the "Closed" Primary System

The "closed" primary is the type predominantly used in this country and is generally favored by persons who believe in a strong party system. Advocates of this type of primary maintain that only persons who are definitely identified as members of the party should be permitted to participate in the party primary. They regard the direct primary as a substitute for the party nominating convention - the means whereby the voters of the party, instead of delegates to a convention, select the candidates of the party. Independent voters as well as those who are unwilling to declare themselves as members of the party, are free to choose between the candidates of the competing parties at the final election, but, it is maintained, should not be permitted to participate in the selection of the party nominees.

Advocates of the "closed" primary oppose the "open" system because the latter permits voters who are not affiliated with a party to participate in the party primary, and permits "raiding" by the opposite party. If there is no contest in the primary of one party, its voters are able under the "open" primary system to vote in the primary of the opposite party in which there are contests, and it is asserted, often vote deliberately for the weaker candidate to improve the chances of victory of the candidates of their own party. The voters of each party, it is maintained, should be free to choose the candidates

of their party without any interference or help from outsiders who have no natural right to vote in the primary.

Another argument for the "closed" primary is that the party system is strengthened by the requirement that voters shall register or declare themselves as members of the party in order to vote in the primary election. The registration of party affiliation gives the party workers a list of the voters of the party and facilitates party work. It requires members of the party "to stand up and be counted" and tends to make for more definite party alignment.

Merits of the "Open" Primary System

In support of the "open" type of primary, it is stated that the requirement of voters to register as members of a party, or to declare publicly their party affiliation when they apply to vote at the primary election, impairs the secrecy of the ballot. Many voters regard this requirement as offensive, and an invasion of their rights; others who do not regard themselves as partisans are reluctant to register as such, and consequently are deterred from voting at all in the primary election (which may be, in fact, more pivotal than the final election).

The "open" primary is usually favored by persons who are largely independent in their outlook, and who are accustomed to vote for the man rather than for the party, particularly in state and local elections. They are generally critical of political parties as they operate in this country, and regard them as not only ineffective and often meaningless in state and local government, but frequently harmful as well. While they dislike the forced party alignment which the "closed" primary requires, they recognize nevertheless, that in most states the primary election is the decisive contest and are unwilling to forego their right to participate in the primary. They prefer the "open" primary because it avoids the requirement of public declaration or registration of party affiliation, and permits the voter at the primary election to choose in the secrecy of the polling booth the ballot of the

party in which he wishes to vote. The independent voter and the voter who does not regard himself as a strong party man, they contend, is entitled to participate in the primary election, and will vote as intelligently and as patriotically as the bitter partisan. They maintain that the amount of "raiding" in the primary is relatively small, and that while independents and persons who do not regard themselves as strong partisans usually vote in the primary of the dominant party when contests occur, they vote for the candidates whom they favor and expect to support in the final election.

The Amount of Cross-Over Voting

The extent to which voters in "open" primary states cross over and vote in the primary of the opposite party is not known, and because of the secrecy of the ballot would be difficult to ascertain. It should be noted that even in "closed" primary states, particularly those which rely on the challenge method of party test, voters are able to cross over and vote in the opposite party primary when there are no real contests in their own. Many voters in "open" primary states who regard themselves as independent in their party affiliation, feel free to vote in the primary where the most important contests are taking place. In "closed" primary states, it is common practice for independent voters to register and vote in the primary of the dominant party. It would be difficult to ascertain to what extent the practice of independent voters to vote in the primary election prevails more widely in one type of system than the other, but it may be assumed that it is more common in "open" primary states. As a rule, however, the vote cast in the primary election, aside from the "solid South," is considerably lower in the primary election than in the final election, due to the tendency for only party "regulars" to come out and vote in the primary.

Another type of cross-over voting is where voters enter the opposite primary and vote for candidates whom they have no intention of supporting in the final election, hoping to nominate a weak candidate so as to improve the

chances of the candidate of their own party. This practice is usually designated as "raiding" the opposite party. In a few states, Illinois, New Jersey, and others, for example, there have been notorious cases of this kind where large numbers of voters crossed over as a result of a deal between political bosses.[19] Party leaders usually discourage "raiding" for fear that their regular voters may be encouraged to split the ticket in the final election. The available evidence seems to indicate that voters who cross over to the opposite primary on their own volition usually vote for the candidates whom they favor, and vote for the same candidates in the final election.[20]

One of the generally unrecognized effects of the direct primary, whether "open" or "closed," is that both voters and candidates tend to identify themselves with the dominant party in state or local elections. In states where one party is predominant, the primary election of that party becomes the decisive election, and voters who do not participate in it are virtually disenfranchised. Recognizing this fact, voters of all shades of opinion enter the primary of the dominant party. In "closed" primary states they register as members of the party, though their attachment to it may be slight; in "open" primary states they are free to vote in the primary of either party regardless of their individual leanings or sympathies. Candidates also are impelled to identify themselves with the dominant party if they aspire to a public career. The result is to build up a one-party system in which the second party is rarely able to constitute a real challenge to the dominant party.

Many states throughout the country, not merely in the "solid South", may be regarded as essentially one-party states. The one-party situation obtains even more widely in local elections. In a number of states, New York, for example, the two major parties are evenly matched in state elections, but

[19] See Clarence A. Berdahl, "Party Membership in the United States," 36 Political Science Review, 16-51, 241-63 (1942)

[20] James K. Pollock, The Direct Primary in Michigan, 1909-1935, (Ann Arbor, 1943), 60.

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each party is predominant in certain areas of the state. The absence of a true two-party system in many parts of the country is an important fact which needs to be taken into account in any consideration of the nominating system. It will be generally agreed that a one-party system is not desirable, and that two vigorous, competing political parties is essential to healthy party life.

The Washington "Blanket Ballot" Primary: Pro and Con

A third type of primary is the "blanket ballot" system, which was adopted by the state of Washington in 1935. A single blanket ballot is used at the primary election covering all parties. The names of all candidates, irrespective of party affiliation, are grouped together under the office which they seek. The name of each candidate is followed on the ballot by the name of the party whose nomination he seeks. Voters are permitted to vote for any candidate whom they favor, irrespective of party affiliation. A voter may thus vote in the Republican nomination contest for governor and in the Democratic contest for Senatorial nomination on the same ballot paper. The candidate of each party who received the highest vote in the primary becomes the nominee of the party in the final election.

The major advantage claimed for the system is that it gives the voters the freedom to vote for the candidates of their choice. Voters in the state of Washington have long been noted for their independence. Prior to 1932, the state was strongly Republican, electing less than a dozen Democratic members to the state legislature. Nevertheless, even at that time the voters elected a Democrat to the United States Senate. When the political upheaval of 1932 brought the Democratic party into power in the state, and established a two-party system, the proposal for a "blanket ballot" primary, which was advanced by the state Grange, received widespread support from voters who saw no real reason why they should not be permitted to vote for the candidates whom they favored in either party in the primary election.

Advocates of the "blanket ballot" primary system do not regard the primary election as merely a party affair; they consider it in reality a public

election, and in most states the decisive election. The decisions of the United States Supreme Court in the "white primary" cases support this point of view. The plan makes it unnecessary for voters to register their party affiliation or to declare it publicly, and it avoids disfranchising the independent voters in the primary election.

The principal criticism of the Washington "blanket ballot" primary is that it is too wide open, that voters should not be permitted in the primary election to vote for candidates in both parties, but should be restricted to the candidates of the party with which they are affiliated. It is contended that the system disregards the fundamental purpose of the primary election, which is to nominate the candidates of each party, and as such, should be restricted to members of the party. Critics of the plan regard it as essentially a nonpartisan primary which in the long run will weaken party alignment and tend to destroy political parties. The system has been criticized by some party leaders and strong party men in the state who prefer the "closed" primary which prevailed before 1935, but in the main, it is accepted by leaders of both parties and there has been little agitation to go back to the former system.

A careful analysis of the operation of the Washington primary law during the first twelve years it was in effect indicates that in only four contests out of 34 for the statewide offices was there any substantial number of voters who "crossed over" and voted in a contest in the opposite party, and in only one case does it appear that the results may have been changed by "cross over" voters.[21] Voters of both major parties, though free to vote for candidates of

[21] See Daniel M. Ogden, Jr., "The Blanket Primary and Party Regularity in Washington," 39 Pacific Northwest Quarterly (1948), 33-38, summarizing the findings of a master's thesis by the author at the University of Chicago. See also Claudius O. Johnson, "The Washington Blanket Primary," 33 Pacific Northwest Quarterly (1942), 27-39. The case in which the results of the primary may have been affected by "cross over" voters occurred in 1936, when many Republican voters cast their ballots at the primary for the incumbent Democratic governor, Mr. Martin. His opponent, Mr. Stevenson, was a left-wing candidate who had attracted a wide following as a radio announcer, and was strenuously opposed by the more conservative elements in both parties. The Republican candidate, who was unopposed, was a former governor of the state, Mr. Hartley, an ultra conservative who had lost most of the following he once had. If the Democrats had nominated Mr. Stevenson, the voters would have been confronted with a choice between an ultra radical and an ultra conservative, neither of whom was acceptable to the majority of voters. Mr. Martin was unquestionably the stronger candidate and won the election by an overwhelming majority

an opposing party, have voted with surprising regularity for candidates of their own party. The total vote polled by all candidates of a party for a particular office has seldom varied by more than five per cent of the median vote case by the party for all offices. Voters have crossed over only when they felt strongly about the election and favored the candidate of the opposite party. It is generally believed that voters who cross over in the primary, support the candidates of their choice in the final election also.

The Washington type of primary does not appear to have weakened political parties in the state, which have continued to function very much as they did under the previous system. Since the plan has been in effect only fifteen years, and in only one state, it is perhaps too early to assert what its long run effects on political parties will be. It may be noted, however, that although prior to 1932, the state was predominantly Republican, within recent years the two major parties are fairly evenly matched, which may be attributed in part to the novel primary system. The plan is highly regarded by the Grange which was responsible for its adoption, and appears to have the approval of voters generally.

A final argument for the "blanket ballot" type of primary is that it provides voters always with alternative choices in the primary, and hence the means to voice their disapproval of candidates who are proposed by the party organization. If the party organizations are authorized to propose candidates, as recommended in this report, the effect will be to strengthen the party organization and to give it much greater influence than it has had heretofore under the direct primary. The experience of Colorado over a period of nearly 40 years with a pre-primary party endorsement of candidates indicates that those who receive the party endorsement are usually unopposed, and hence the voters seldom have a choice in the primary. The effect of a single, blanket ballot in the primary would be to afford voters always an alternative choice, and hence, the party organizations would, of necessity, have to propose candidates who are acceptable to the rank and file of the party.

## The Rules for Counting

Recommendation No. 9. The candidate of each party who polls the highest vote within the party shall receive the party nomination. In strongly one-party states it may be advisable to provide for a second or "run-off" primary election between the two highest candidates in case no candidate receives a majority at the first primary.

Most states at present follow the above recommendation for nomination of the candidate with the highest or plurality vote in the primary, though there are obvious objections to this rule. Frequently, candidates who receive less than a majority are nominated and the primary elections are subject to manipulation by introducing candidates to split opposition. The alternative of providing a second or run-off primary, as is the practice in most Southern states, is usually regarded as too burdensome and expensive to be adopted. In the South, as is well known, the final election is more or less a formality and the real contest takes place in the Democratic primaries. Because of this fact, most Southern states provide a run-off primary as a means of assuring that the nominee will have received a majority vote. No Northern state uses this system.

The use of a system of preferential voting in the primary election would obviate the necessity for a second primary and also avoid the defect of plurality nominations. As indicated above, however, the only workable scheme of preferential voting is one in which the counting rules provide that if no candidate receives a majority, the candidate with the lowest vote shall be dropped and his ballots transferred to their second choices, and this process kept up until a candidate receives a majority or only two candidates remain. Preferential voting is used successfully in a number of Canadian provinces which have a very short ballot, but has never found favor in this country. With the typical ballot of the American state, it would be more difficult to vote and to count; but if it were used successfully, it would avert the hazards of plurality nominations in the infrequent three-sided (or multi-sided) contests.

Recommendation No. 10. If the Washington "blanket ballot" type of primary is used, it should be provided that any candidate who receives a majority of all votes cast in the primary shall be declared elected.

The advantages of this are: (1) it makes it possible for candidates to be elected to public office after a single campaign instead of having to incur the bother and expense of two. This will make public office more attractive to men and women of ability who may be willing to go through one campaign but are unwilling to run for office if it requires two campaigns to be elected; (2) it will increase interest and attention in the primary election and result in a larger vote being cast.

The objections to the provision are: (1) the vote cast at the primary election may be small and, hence, the rule might result in election by a small minority of the voters, though a majority of those voting in the primary; (2) since many offices would be filled at the primary election, the final election would no longer be a clear-cut contest between the two major parties; (3) in close contests the candidate who receives the highest vote in the primary election, even a majority of all votes cast, may not poll the highest vote in the final election.

Although the force of the arguments against the plan are admitted, it is suggested that the merits of the plan outweigh the objections. The expense and bother of two campaigns, frequently drawn out over a number of months, operates as a powerful deterrent to the candidacies of the best qualified persons. If a candidate polls a clear majority, there is much to be said for declaring him elected and avoiding a second campaign. A possible alternative would be to require more than a simple majority, say 60 per cent of the vote cast, in order for a candidate to be elected at the primary election.

If it is provided that any candidate who receives a majority in the primary election shall be declared elected, it will be necessary obviously to permit independent candidates and minority parties to go on the ballot at the primary election.

## Date of the Primary Election

Recommendation No. 11. Primary elections should be held in the autumn within one to two months prior to the final election.

In 1948 nineteen states held their primaries in August or later, while 21 states held their primaries earlier, usually in the Spring.

The practice of holding primary elections in the Spring is undesirable because it requires a campaign extending over six months or longer. Such a long campaign is an unnecessary bother and expense to the candidates and to the public as well. In many city elections the period of active campaigning is less than a month. The dates of primary elections have too frequently been made early to meet the convenience of the election officials rather than that of the candidates and the voters. Twelve states hold their primaries in September and the election officers in these states are able to make all the necessary preparations. Thus, a November 2 final election makes October 1 a practicable date for the primary election, September 15 the deadline for contesting nominations (to leave time for printing and distributing primary ballots) and September 1 as the date for filing organization proposals.

## Simplified Party Organization

Recommendation No. 12. Compliance with the principle of the short ballot should be required in the internal structure of the party. Only a few outstanding party officers should be elective by the party members of each district and the form of the party organization should be kept simple and understandable by the voters.

In the reform of the primary system it will be found necessary in many states, also to reform the organization of political parties. In many states the party organizations consist of a vast number of party officers in a complicated, amorphous structure where responsibility is effectively concealed. Ordinarily the rank and file of voters take little interest in the election of party officers and the principal purpose served by their election

is to provide the means whereby insurgent groups may rise within the party organization to challenge the leadership.

Only a few outstanding party officers should be elected. In large cities this would ordinarily mean the election of only the ward or assembly district leaders who would constitute the city or county committee of the party; in other areas a county committee of relatively small size, not to exceed fifteen or twenty members, might be elected from several districts. Other local party officers, including precinct captains and committees, should be appointed; little is gained by the popular election of these minor officers, which are not important enough to attract the interest and attention of the rank and file of the voters.

The state central committees of each party should be elected by the voters or by the county or city committees with provision for weighted voting in accord with the number of votes cast by the party in each city or county. The conditions and traditions and existing structures vary so widely from state to state that it is not possible to offer more specific recommendations.

It is entirely feasible to keep the list of party officers on any ballot down to two or one.[22] In many states statutes have been enacted prescribing in too great detail the time, place of meeting and similar details of party organizations, which might better be left to the parties themselves.

[22] In drafting proposals for improving the New York closed primary law, The Citizens Union of New York City in 1949 set up the following simplified structure to be required for party internal organization: 2 captains elected by the party voters in each election district (voting precinct), empowered to propose candidates for Assembly District Leader, for assemblymen, state senators, representative in Congress and elective judges of less than county-wide jurisdiction, and for their own successors; Assembly District Leaders to constitute county, city and state committees to propose candidates for those areas with power to choose from within or outside their ranks county, city and state chairmen. Each captain and leader with voting power weighted in conformity with the party vote in his constituency. All proposals to leave time for filing the counter-proposals of contestants.

## CONCLUSION

The reform of the primary election system is one of the most urgent political problems of our time.

In the large majority of states there is widespread dissatisfaction with the existing system although nowhere is there any demand for a return to the old party nominating convention method. The most able citizens are rarely attracted to public life and because of the inadequacies of the present system of nominations, persons without the necessary qualifications and standing are often elected to public office. In few states do political parties provide the needed leadership in public affairs and perform their useful and legitimate functions in an effective manner. In many states they are weak, ineffectual and discredited, while in others they are powerful but largely irresponsible. Nowhere is party service as attractive to outstanding and patriotic citizens as it should be.

In many states the bi-party system has all but disappeared. A one-party condition is unhealthy and undesirable from almost every point of view, yet it has become widespread.

The recommendations contained in this report for a model primary system, it is believed, would bring about material improvement in the operation of the direct primary in most states. They would enable political organizations to bring forward well-qualified candidates and induce outstanding citizens to enter public life on the basis of consistent programs and visible sponsorship. To this extent political parties will be brought into better order and enabled to play a more useful and salutary role in the democratic process.

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